



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

CRS

Docket No: 1357-00

20 November 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 3 February 1956 after more than seven years of prior active service. A general court-martial convened on 6 March 1958 and found you guilty of unauthorized absences totalling 171 days and failure to obey a lawful order on two occasions. The court sentenced you to confinement at hard labor for one year, forfeiture of all pay and allowances, a reduction in pay grade, and a bad conduct discharge. You received the bad conduct discharge on 14 May 1958.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that alcohol abuse caused your misconduct. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the fact that your unauthorized absences totalled more than five months. In this regard, alcohol abuse does not excuse misconduct. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished

upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director